

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERTO DURAND,

Plaintiff

v.

MAURO,

Defendant

Case No. 3:22-cv-00210-RCJ-CSD

**ORDER DENYING IFP APPLICATION
AND GRANTING FINAL EXTENSION
TO PAY FEE OR FILE A COMPLETE
IFP APPLICATION**

I. DISCUSSION

On May 9, 2022, Plaintiff Roberto Durand, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil-rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis* (“IFP”). (ECF Nos. 1-1, 1). Plaintiff filed a second IFP application the next day. (ECF No. 2). But Plaintiff had not submitted an inmate account statement for the previous six-month period with either application. So the Court denied both applications as incomplete, and gave Plaintiff until August 8, 2022, to either pay the \$402 filing fee or file a complete IFP application. (ECF No. 3). On June 9, 2022, Plaintiff filed a third IFP application but did not include the required inmate account statement for the previous six-month period. (ECF No. 4). And Plaintiff did not indicate that he is unable to get an account statement from the prison.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e., pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e., page 4 of this Court’s approved form), and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

Plaintiff failed to file a six-month account statement with his third IFP application. The Court will therefore deny Plaintiff's third IFP application because it is incomplete. But the Court will grant Plaintiff a final extension to file a new fully complete IFP application containing all three of the required documents.

I. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff's third application to proceed *in forma pauperis* (ECF No. 4) is denied without prejudice to file a new fully complete application to proceed *in forma pauperis* with all three of the required documents **by October 11, 2022**. If Plaintiff does not file a complete application to proceed *in forma pauperis* or pay the full \$402 filing fee for a civil action by **October 11, 2022**, this action will be subject to dismissal without prejudice for failure to follow a court order.

The Clerk of the Court is directed to:

- Send to Plaintiff Durand the approved form application to proceed *in forma pauperis* for inmate and the document titled information and instructions for filing an *in forma pauperis* application; and
- Retain the complaint (ECF No. 1-1) but not file it at this time.

DATED: September 8, 2022.


UNITED STATES MAGISTRATE JUDGE